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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNIE EARL ROSS JR., and
VIN WHEALEN GAINES JR.,

Defendants.

CASE NO. 2:20-CR-0208-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: May 4, 2021
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 4, 2021.
2. By this stipulation, defendant now moves to continue the status conference until June 22, 2021, and to exclude time between May 4, 2021, and June 22, 2021, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes approximately 654 pages of investigative reports and other documents, as well as

1 numerous video and audio recordings and other materials. All of this discovery has been
2 produced directly to counsel and/ or made available to defense counsel for inspection.

3 b) The indictment in this case was returned on November 5, 2020.

4 c) Defendant Johnnie Earl Ross Jr. made his initial appearance in this case on
5 February 4, 2021, and attorney Christopher Cosca was appointed to represent him.

6 d) Counsel for defendants need additional time to review the discovery, conduct
7 investigation, confer with their clients regarding defense strategy, and to otherwise prepare for
8 trial.

9 e) Counsel for defendants believe that failure to grant the above-requested
10 continuance would deny them the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 f) The government does not object to the continuance.

13 g) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of May 4, 2021 to June 22, 2021,
18 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
19 because it results from a continuance granted by the Court at defendant's request on the basis of
20 the Court's finding that the ends of justice served by taking such action outweigh the best interest
21 of the public and the defendant in a speedy trial.

22 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
23 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
24 must commence.

25 IT IS SO STIPULATED.
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1 Dated: April 28, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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3 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

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6 Dated: April 28, 2021

/s/ CHRISTOPHER COSCA
CHRISTOPHER COSCA
Counsel for Defendant
JOHNNIE EARL ROSS JR.

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11 Dated: April 28, 2021

/s/ JEROME PRICE
JEROME PRICE
Counsel for Defendant
VIN WHEALAN GAINES JR.

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17 **FINDINGS AND ORDER**

18 IT IS SO FOUND AND ORDERED this 29th day of April, 2021.

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20 /s/ John A. Mendez
21 THE HONORABLE JOHN A. MENDEZ
22 UNITED STATES DISTRICT COURT JUDGE
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